



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2157

Patrick E. PATTERSON

Serial No.: 10/812,099

Examiner: SALAD, Abdullahi Elmi

Filed: March 30, 2004

Atty. Docket No. 07650003C1
(2032104-0024)

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For: **TRACKING ELECTRONIC CONTENT**

INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant respectfully brings the following information listed on accompanying Form(s) PTO/SB/08A and/or PTO/SB/08B to the attention of the Examiner.

Applicant has listed publication dates on the attached PTO/SB/08A and/or PTO/SB/08B based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Moreover, Applicant reserves the right to establish the patentability of the claimed invention over any information provided herewith, and/or, to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. §1.98 (a)(2)(i), copies of the U.S. patents and U.S. patent applications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Copies of references are enclosed together with a duly completed Form PTO/SB/08A and/or PTO/SB/08B. The Examiner is accordingly requested to consider each of these documents, and to make them of record in this application by initialing in the appropriate spaces on the Form PTO/SB/08A and/or PTO/SB/08B. Applicant respectfully requests that the Examiner include a copy of the initialed Form PTO/SB/08A and/or PTO/SB/08B with the next communication from the U.S. Patent and Trademark Office.

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits OR before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No certification or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our check in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. Relevance of the non-English language document(s) is discussed in the present specification.

5. The document(s) was/were cited in a corresponding foreign application. Attached is a copy of the International Search Report and Written Opinion.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the

cited application and the art cited therein during examination.

8. Copies of the documents were cited by or submitted to the Office in Application No. _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Applicant notes that an Office Action on the merits has issued in the present application, and thus a fee submitted herewith is believed necessary to ensure consideration of the submitted material. The undersigned hereby authorizes the Commissioner to charge any further fee necessary for the consideration of this statement, including any payment under 37 C.F.R. §1.17 (p) to **Deposit Account No. 23-1951 (McGuireWoods LLP)**.

It is respectfully requested that the Examiner initial and return a copy of the enclosed forms PTO/SB/08A and/or PTO/SB/08B, and to indicate in the official file wrapper of this patent application that the cited documents and photographs have been considered.

Respectfully submitted,



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REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.